

Professional Development

Providing Training for State Purchasing Professionals

Customer Focused, Performance Driven



Georgia Procurement Manual July 2012 Revisions

Department of Administrative Services
State Purchasing Division

statepurchasing.doas.georgia.gov



Your presenter



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GDOT Procurement Compliance Officer 2004-2007

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Webinar House Rules

- Webinar length- 1 hour and 30 minutes
- Questions Hold until the end of the presentation





Webinar Objectives

The purpose of this webinar is to:



- Review Legislative Updates
- Review Clarifications of Responsibilities
- Review Policy and Procedural Changes
- Review Purchasing Certifications

To ensure that SPD maintains up-todate information, the GPM will undergo revisions annually with the next round of updates scheduled for July 2013.



Georgia Procurement Manual

Legislative Updates



Legislative Updates \$25,000 Bid Threshold

The following is provided as a change in legislation to O.C.G.A 50-5-69.

Each state entity is responsible for monitoring purchases made by the entity and should be based on competitive bidding whenever possible. The state entity may not split reasonably foreseeable or related purchases into two or more transactions for the purpose of circumventing the requirement that any purchase of \$25,000 or more be based on competitive bidding.

NOTE:

SPD recommends the comparison of products and prices from at least three suppliers, including any applicable convenience statewide contracts, prior to ordering.

The GPM directs the APO/CUPO to monitor the procurement spend on a quarterly basis to assess and determine if an Open contract should be developed.



Example: \$25,000 Threshold

The following scenarios is provided to illustrate purchases reasonably foreseeable or related purchases following the \$25,000 bid threshold.

■ A state entity has 10 a/c units that are all past their normal life span and plans to replace all of the a/c unit compressors at various points in time during the fiscal year. Each of the a/c compressors will cost \$9,000.

The total of the purchase is \$90,000 so the purchase is competitively bid



Example: \$25,000 Threshold

A state entity has 10 a/c units which are all past their normal life span but does not have the funds to replace the a/c units. The state entity does not know when or if it can replace the a/c units.

A compressor fails in one of the a/c units on July 10 and the state entity finds money to purchase an a/c compressor for \$9,000. On August, 15, another a/c unit compressor dies and so the state entity again finds money to purchase an a/c compressor for \$9,000 in August. On September 1, another a/c unit compressor dies and so the state entity again finds money to purchase an a/c compressor for \$9,000 in September.

The state entity does not have to seek competitive bids for the a/c compressors.



Legislative UpdatesP-Card and the \$25,000 Competitive Bid Threshold

O.C.G.A 50-5-69 requires competitive bidding for all open-market purchases anticipated to be \$25,000 or more. The P-Card policy states...

Section VII Sub-section D, #1; Competitive Solicitations

In O.C.G.A. 50-5-83 sets the legal single transaction limit for a P-Card transaction at \$5,000 unless the purchase is made against a Statewide Contract or in compliance with State procurement policy.

Use of the P-Card as a method of payment does not relieve the cardholder or entity of the competitive bidding process.



Legislative Updates

P-Card and the \$25,000 Threshold-Single Transaction Limit

O.C.G.A 50-5-69 requires competitive bidding for all open-market purchases anticipated to be \$25,000 or more. The P-Card policy states

Section VII

Sub-section D, #1. item i; Single Transaction Limit

As a result of the Single transaction limit, all cardholders must have a single transaction limit of less than \$5,000.

Except as noted in Sub section C.2.

Section VII

Sub-section D, #1. item ii; Splitting Transactions

Cardholders are prohibited from splitting a transaction between 2 or more transaction on a single account or multiple accounts on the same day or on separate days in order to circumvent the Single Transaction Limit, regardless of the level.



Legislative Updates

P-Card exceeding the Single Transaction Limit

Where job responsibilities require cardholders to make single purchases exceeding \$5,000:

Section VII

Sub-section D, #2. item i and item ii; Exceeding the Single Transaction Limit

The State Entity Card Program Administrator can approve Single Transaction limits over \$5,000 with approval of the cardholder's supervisor and the APO/CUPO for purchases made from the following contract types:

Statewide Contract Agency Contract Mandatory Source

The State Entity Card Program Administrator must complete and submit Form SPD-PC003, Special Approval Request for any single open-market purchase of \$5000 or more.





Legislative UpdatesP-Card purchases exceeding \$25,000

Where job responsibilities require cardholders to make single purchases exceeding \$25,000:

Section VII Sub-section D, #3; P-Card purchases exceeding \$25,000

Cardholders must use the appropriate bid process for any purchase greater than or equal to \$25,000.

Complete bid requirements are found in the Georgia Procurement Manual



Legislative Updates Sole Source Posting Procedures

The following is provided to illustrate sole source purchases reasonably foreseeable or related purchases following the \$25,000 bid threshold.

- Sole Sources must be posted to the GPR when the value is at or exceeds \$25,000.
- Sole Source "fixed quantity" or "estimated value" solicitations valued at \$25,000 but less than \$250,000 must be posted for a full 5 business days.
 - The closing date is to be no earlier than the morning of the 6th business day.
- Sole Source "fixed quantity" or "estimated value" solicitations valued at or exceeding \$250,000 must be posted for a full 15 calendar days.
 - The closing date is to be no earlier than the morning of the 16th calendar day.

REMINDER:

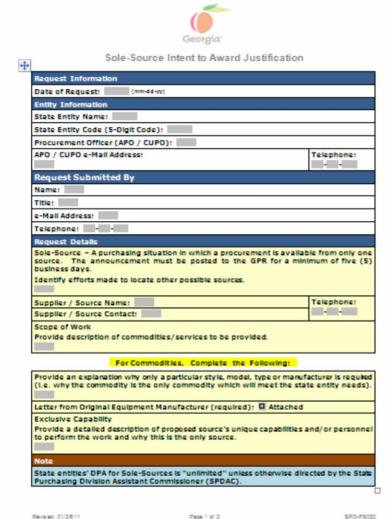
Sole Source solicitations are not required to be posted to the GPR when the value is less than \$25,000.



Legislative Updates Sole Source Posting Procedures

After conducting and documenting the results of the Sole Source market research, the following procedures are *mandatory* when posting a sole source solicitation.

- Complete SPD-PS020 Sole Source Intent to Award **Justification**
 - **Detailed Description**
 - b. Fixed or Estimated quantity plus unit price (Fixed or Open)
 - **Expected length of Contract**
 - Include the Identity and contact information for the Sole Source Provider







Legislative Updates Sole Source Posting Procedures - Cont'd

After conducting and documenting the results of the Sole Source market research, the following procedures are *mandatory* when posting a sole source solicitation.

2. Include the statement of Intent to Award Sole Source Justification to GPR Description box:

Table 2.7 Sole-Source Sample Notice

[Insert State Entity Name] is providing public notice of its intent to award a contract to [Insert Name of Sole Source] to provide [Insert Description of Goods/Services]. [Insert Name of Sole Source] has been identified as the sole source for this purchase for the reasons stated in the attached Sole-Source Justification Form. Any sup plier capable of providing the identified goods/services may challenge this solesource determination by filing a written protest with the Assistant Commissioner (SPDAC) of the State Purchasing Division (SPD) in accordance with the protest procedures outlined in Section 6.5. Step 4 - Supplier Participates in Protest Process of the GPM. The protest must be received prior to the closing date and time identified herein.

3. Attach completed PDF or Protected SPD-PS020 Intent to Award **Justification**



Legislative Updates Consortia/Cooperative Purchasing

This administrative change addresses the authorization of an approved consortia or purchasing cooperative.

- SPD will not issue an authorization for use of a consortia or purchasing cooperative prior to a state entity procuring from the source.
- Designating a supplier approved by a consortia or purchasing cooperative as an authorized source of supply, the state entity must
 - Publicly advertise its intent to contract with the consortiaapproved/cooperative-approved supplier in accordance with Section 2.3.2.2

NOTE:

When a state entity desires to procure from a consortia or cooperative group, then the state entity must follow the same steps as when posting a Sole Source.



Legislative UpdatesPO type, MUL and the \$25,000 Bid Threshold

The following is provided to illustrate the use of the MUL purchase type and the \$25,000 bid threshold.

■ The state entity's issuance of a single MUL PO type to a single supplier to purchase a combination of items purchased from previously established contracts. The total of the Open Market lines that have been added to the MUL PO must not exceed \$25,000.

Legislative UpdatesPO type, MUL and the \$25,000 Bid Threshold

Use of the *MUL Code* is intended to provide work efficiencies by allowing a single purchase order to be issued to a vendor for a combination of purchases as identified in the table below. This code is available for use by all state entities utilizing SAO's PeopleSoft or Team Georgia Marketplace™.

6.3.1.2. Purchase Type Codes Table 6.6

Multiple PO Type, which may be used for the following combination of purchases on a single PO to a single vendor:

Open Market Purchase less than \$25,000 and SWCM

Open Market Purchase less than \$25,000 and ACOMP and MAN

Open Market Purchase less than \$25,000 and SWCC

Reminder:

Use of the "MUL" Code does not alter the State Entity's responsibility to comply with the order of precedence or the requirement to follow the competitive solicitation process for any purchase of \$25,000 or more

Legislative Updates Open Records - Public Access to Procurement Data

Changes were made to the Open Records Law so that when an Entity is assessing charges, they are directed to the O.C.G.A

When assessing reproduction charges, please refer (O..C.G.A.) Section 50-18-70 through (O.C.G.A.) Section 50-18-77.

DOAS has included a link to O.C.G.A to the GPM for these changes, which will be published on September 1, 2012.



Legislative Updates Defining Small Business

A Small Business is defined as a Georgia resident business which is independently owned and operated. To qualify as a small business the supplier must meet the following criteria.

- Must have either fewer than 300 employees or less than \$30 million in gross receipts per year
- Regularly maintain a place from which business is physically conducted in Georgia for at least one year *prior* to any bid or proposal to the state, and
- Regularly maintain a place from which business is physically conducted in Georgia;
 - A business having a post office box, a leased private mailbox, site trailer, or temporary structure, does not satisfy this requirement

NOTE:

The definition for Small Business is referenced only on the Supplier General Information Worksheet.



Legislative Updates SPD-SP042- Supplier General Information Worksheet

The definition of Small Business is referenced only on the DOAS website and on the Supplier General Information Worksheet.

Supplier General Information Vorksheet
Supplier General Information

3 Small Business: Can your company be classified as a Small Business?

A **Small Business** is defined as a Georgia resident business which is independently owned and operated. In addition, such business must have either fewer than 300 employees or less than \$30 million in gross receipts per year. **Georgia resident business** means any business that regularly maintains a place from which business is physically conducted in Georgia for at least one year prior to any bid or proposal to the state or a new business that is domiciled in Georgia and which regularly maintains a place from which business is physically conducted in Georgia; provided, however, that a place from which business is conducted shall not include a post office box, a leased private mailbox, site trailer, or temporary structure. (Official Code of Georgia Annotated §50-5-121).

Also, the State encourages all companies to sub-contract portions of any state contract to small and minority business enterprises. Suppliers interested in taking advantage of the Georgia income tax incentives provided for by the Official Code of Georgia Annotated Section 48-7-38, relative to the use of minority subcontractors in the performance of contracts awarded by the State of Georgia, should contact the Supplier Relations Administrator:

Supplier Relations Administrator

Department of Administrative Services

200 Piedmont Avenue, S.E.

Suite 1308, West Tower

Atlanta, Georgia 30334 9010

Telephone: (404) 657-6000

Fax: (404) 657-8444

by one or more minorities and is authorized to do and is doing bissiness under the law of the State of Georgia,

Legislative UpdatesReciprocal Preference and Local Governments

The law requires that suppliers resident in the state of Georgia be granted the same preference over suppliers resident in another state in the same manner, on the same basis, and to the same extent that preference is granted in awarding bids or proposals for the same goods or services by such other state (or by any local governments of such state) to suppliers resident therein over suppliers resident in the state of Georgia.

Local preference has been added to the reciprocal preference law

NOTE:

The reciprocal preference law is applied only when the issuing officer has received responses from both Georgia and non-Georgia suppliers and The non-Georgia supplier appears to be the winner based on the Evaluation process.



Georgia Procurement Manual

Clarification of Responsibilities

Clarification of Responsibilities Fiduciary Duties of Procurement Officials

All procurement professionals play an important role in ensuring needed goods and services being procured

I.4.4.3. Fiduciary Duty Fiduciary Duties of the Procurement Officer

The procurement professional is responsible for developing contracts at competitive prices to avoid waste and deliver the best value to the employer and Georgia citizens.

All procurement professionals play an important role in ensuring needed goods and services are procured in an efficient and economical manner while gaining and retaining public trust and confidence.

Clarification of Responsibilities Exempt Goods and Services

This slide addresses the list of exempt goods and services maintained on the DOAS website.

Stage 1: Needs Identification 1.2.4. Exempt Goods/Services by NIGP™ Code

As an additional resource to state entities, SPD has established a list of goods/services by NIGP™ Code which are either exempt from the State Purchasing Act or represent goods for which SPD has waived the competitive bidding requirements.

This list is available on SPD's website. SPD may update this list from time to time by posting a new version of the list. It is always a best practice to view the NIGP Exempt List online for up-to-date exempt NIGP Codes.

The link to the exempt goods and services list has been changed to: http://doas.ga.gov/StateLocal/SPD/Policies/Pages/Home.aspx

Clarification of Responsibilities

Open and Fixed Quantity Contracts

Once the value of contract award is determined or estimated, the procurement professional can determine the type of contract to be developed. These definitions will clarity the two types of contracts an entity will develop.

Stage 2: Pre Solicitation 2.2.2. Identify Critical Business Requirements

Open Contract: Used when exact quantities needed are not known at the time the contract is established. This type of contract will establish unit pricing, but the state entity is not committed to buy a certain quantity of products or amount of services. Shipment against open contracts is only authorized by the supplier's receipt of a purchase order from the state entity.

Fixed Quantity: Used when exact quantities needed are known at the time the contract is established.

Clarification of Responsibilities Insurance Submittals

If the state entity requires insurance, that requirement will be stated in the solicitation. Suppliers must obtain any insurance coverage required by law or the solicitation at their own expense.

Stage 4: Solicitation Process 4.5.9. Insurance Requirements

Suppliers are required to submit proof of Insurance coverage to the *state entity* in the form of a signed certificate.

The signed insurance certificate must be received by the *state entity* before the supplier will be permitted to perform under any contract.

NOTE:

Any insurance requirement must be submitted to and received by the state entity, PRIOR to performing work on the awarded contract. This requirement should be clearly stated in the solicitation at the time of the posting. Additionally, this is a requirement for any renewals exercised on a contract.



Clarification of Responsibilities Best Practices - Insurance Submittals

If the state entity requires insurance, SPD recommends that a review of requirements be discussed at Offeror's Conferences, Pre Bid and/or Site visits.

- Review insurance requirements at Offeror's Conferences,
 Pre Bid and/or Site visits.
- Direct Suppliers to instruct the Insurance carrier to identify the State Entity, Solicitation or Contract number on the Insurance Certificate
- Include Document of Proof to the Contract file
 - Scan, Upload and file to Electronic Folder, if applicable
 - File to Paper Contract File
 - Team Georgia Marketplace[™]
 - Upload and Attach to the Supplier Contract



Georgia Procurement Manual

Policy and Procedural Changes

Policy and Procedural Changes RFP DPA Limitations on Current Contracts

For each open contract established by the state entity, the state entity must monitor the purchasing activity under the open contract to ensure that the expenditures do not exceed the state entity's RFP's Delegated Purchasing Authority governing of the establishment of the open contract.

RFP DPA Limitations on Current Contracts

If the APO/CUPO determines that the cumulative total of purchases throughout the duration of the open contract will likely exceed the state entity's applicable DPA for that open contract, then the APO/CUPO must first request and receive SPD's prior approval. To request approval, the APO/CUPO must complete and submit SPD-OP007 One-Time Request to Exceed Delegated Purchasing Authority

NOTE:

The example in the GPM, Section 8.3.5. is revised to reflect the current RFP delegation of \$1,000,000 to State Entity

Policy and Procedural Changes

Team Georgia Marketplace™ RFP DPA on Current Contracts

Procedural Note: Team Georgia Marketplace™

When entering the RFP in the Contracts module of Team Georgia Marketplace™, enter the best estimated amount of the contract. Monitor the spend and update the value of the contract as necessary prior to reaching the maximum amount.

Policy and Procedural Changes Mandatory Posting-eSource

For all state entities not using Team Georgia Marketplace™, use of eSource is *mandatory* for all RFQ (Request for Quotation) and RFP (Request for Proposals) unless the SPDAC (State Purchasing Division Assistant Commissioner) grants an exception.

Requests for exceptions must be submitted in writing to SPD via email at processimprovement@doas.ga.gov.

Reminder:

eSource is not to be used for the posting of Sole Source solicitations. Sole Sources must be posted only to the GPR.

Policy and Procedural Changes Mandatory Posting-Team Georgia Marketplace™

For all state entities using Team Georgia Marketplace[™], use of Team Georgia Marketplace[™] is *mandatory* for all RFQ (Request for Quotation), RFP (Request for Proposals), RFQC (Request for Qualified Contractor), and RFI (Request for Information) unless the SPDAC (State Purchasing Division Assistant Commissioner) grants an exception.

Requests for exceptions must be submitted in writing to SPD via email at processimprovement@doas.ga.gov.

Reminder:

Team Georgia Marketplace™ is not to be used for the posting of Sole Source solicitations. Sole Sources must be posted only to the GPR.

Policy and Procedural Changes Notice of Award – SPD-AP005

This enhancement of the NOA addresses the entry of the award amount as well indicating the contract type. This form is used by all entities.

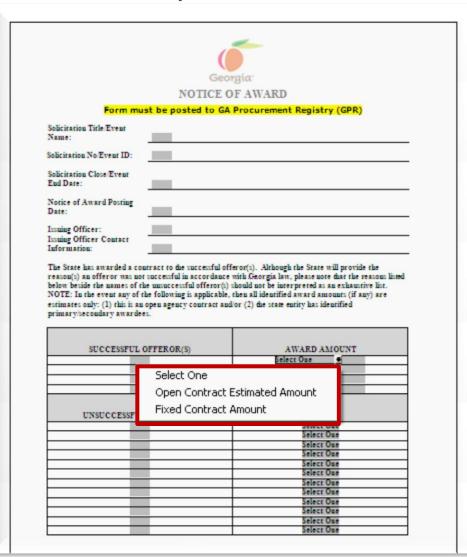
Stage 6: Award Process Notice of Award Information

After the protest period has expired or if any protest received have been resolved, the state entity issues the NOA.

The Award must reflect the contract type. From the dropdown box, select the appropriate response

Reminder:

Enter only the initial award amount



Team Georgia Marketplace TM Mandatory Posting – Notice of Award

For those state entities currently using Team Georgia Marketplace™, when awarding a competitive bid, the Notice of Award (NOA) must be uploaded to Team Georgia Marketplace™ and posted to the GPR.

- Complete SPD-AP005
 Notice of Award
- Upload to Team Georgia Marketplace™
- 3. Post to GPR.

Enter only the initial award amount

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| NOTICE OF | AWARD |
| Form must be posted to GA F | rocurement Registry (GPR) |
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Policy and Procedural Changes Cancellation Justification

The state entity may withdraw or cancel a solicitation document at any time.

Stage 4: Solicitation Process 4.8.2. Cancelling the Solicitation

A notice of cancellation will be issued to include either a description or document to detail the reason for cancellation.

NOTE:

When cancelling a solicitation, the procurement official must provide a clear and concise reason for the cancellation. For example;

Funding loss due to Budget cuts.

Goods/Services no longer needed.

Cancellation due to revisions to specifications or requirements. This solicitation will be rebid at a later time.

Policy and Procedural Changes

Purchase Order Type

This revision addresses a change in the acronym for an emergency purchase.

Stage 6 Award Process 6.3.1.2. Purchase Type Codes

The acronym for the emergency purchase is changed to clearly identify the purchase type:

EMER

Policy and Procedural Changes Purchase Order Type

This revision addresses the entry of PO type information for NON-Team Georgia Marketplace™ users.

Stage 6: Award Process 6.3.1.2. Purchase Order Information

Purchase Orders should reflect the solicitation number in the PO reference field.



Policy and Procedural Changes Allowable Purchases

Review of the P-Card state wide policy has provided 2 additional items to be added to Section V, sub section B; Allowable Purchases.

Section V Sub-section B, item 2; Allowable Purchases

Software for State Issued devices; iPhone, Android, Blackberry and Tablets (e.g. iPad). Examples include

Data plans
Software
Applications ("apps")

Note:

Purchases of these types can not be made for personal devices, even if the device is used for the purpose of conducting State business.



Policy and Procedural Changes Allowable Purchases

Review of the P-Card state wide policy has provided 2 additional items to be added to Section V, sub section B; Allowable Purchases.

Section V Sub-section B, item 5; Allowable Purchases

Airline tickets and vehicle rentals for state personnel traveling on official State business as defined in the State Travel Regulations published by the State Accounting Office and the Office of Planning and Budget.

Note:

All rentals must be from one of the Mandatory Statewide Contracts unless approved through the Waiver from Statewide Contract process, as defined in Section 1.3.1.1.



Policy and Procedural Changes Prohibited Purchases

Review of the P-Card state wide policy has provided clarification as to items prohibited for purchase in Section V, sub section C; Prohibited Purchases.,

Section V

Sub-section C: Prohibited Purchases

2:

Software for non-State Issued devices; iPhone, Android, Blackberry and Tablets (e.g. iPad). Examples include;

Data plans
Software
Applications ("apps")

8, i:

Non-mechanical body shop repairs not covered under the state's vehicle maintenance contract may be paid with purchasing card #8, ii:

Allowable parts purchases must follow the process outlined in the Auto Parts flowchart. This flowchart is found on the SPD website, State Cards page, under the P-Card section.



Policy and Procedural Changes Legal Issues- Cardholder Background Checks

O.C.G.A 50-5-83 (b)(12) requires that background checks be performed on all employees hired for positions that are eligible for P-Cards.

Section VII

Sub-section B: Background Checks

This requirement must be met for all employees using P-Card related accounts and products such as;

Ghost Cards AP Cards ePayables

NOTE:

State entities are not required to perform a background check on those individuals who are renewing the P-Card. However, SPD highly recommends this practice. This includes individuals holding or using ghost cards, AP cards and ePayables.



Policy and Procedural Changes Legal Issues- Cardholder Credit Checks

O.C.G.A 50-5-83 (b)(12) requires that credit checks be performed on all employees hired for positions that are eligible for P-Cards.

Section VII

Sub-section C: Credit Checks

This requirement must be met for all employees using P-Card related accounts and products such as;

Ghost Cards AP Cards ePayables

Credit checks must be run as an "employment inquiry" so as not to affect the employee's credit scoring/rating.

NOTE:

State entities are not required to perform a credit check on those individuals who are renewing the P-Card. However, SPD highly recommends this practice. This includes individuals holding or using ghost cards, AP cards and ePayables.



Georgia Procurement Manual

Purchasing Certifications



New or Revised Training

To ensure that Agency Purchasing Officers (APOs), College or University Purchasing Officers (CUPOs), and any other appropriate purchasing staff have a more detailed knowledge of the RFP process, SPD has added training courses to the current curriculum:

New or Revised Training Courses:







You can access information regarding SPD's training classes and webinars through the SPD Learning Management System



Certification Completion Deadline

Training in procurement is vital for all procurement personnel. Current purchasing staff must become certified within designated timeframes.

| Procurement | Certification Tim | eline |
|-------------|-------------------|-------|
| | | |

| Georgia Certified Purchasing Associate (GCPA) or Basic Certification | For APOs/CUPOs: • Within nine (9) months of hire New procurement professionals • Within twelve (12) months of hire |
|--|---|
| RFP Certificate Program | For APOs/CUPOs: Within nine (9) months of completing GCPA or Basic Certification Other procurement professionals Within the deadline established by the APO/CUPO Or RFP Certificate Program must be completed prior to the posting of an RFP |

To request an exception, contact SPD via email at processimprovement@doas.ga.gov.



Webinar Summary

Legislative Updates

Policy and Procedural Changes

Clarifications of Responsibilities

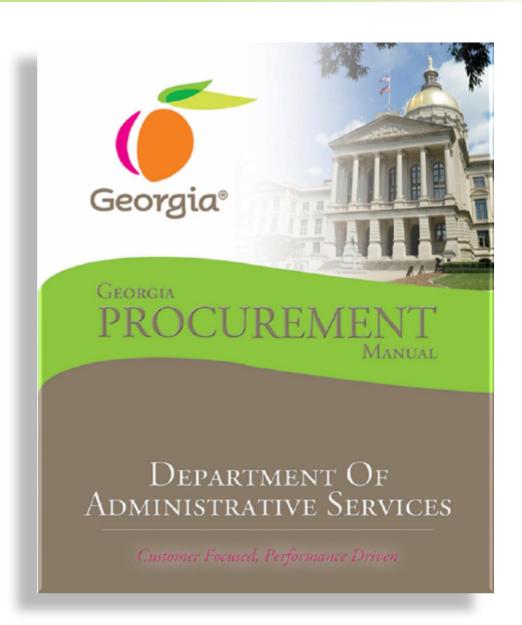




2012 Georgia Procurement Manual

The revisions reviewed in today's webinar are in effect July 1, 2012.

All revisions for 2012 will be published on September 1, 2012.





Your Feedback is Important to Us!

The State Purchasing Division wishes to thank the many state entities that provided feedback over the last fiscal year regarding updates to the Georgia Procurement Manual.

For questions regarding today's discussion on the FY 2012 GPM revisions or recommendations for future changes, please email your inquiry to the Process Improvement mailbox at: processimprovement@doas.ga.gov

Thank you for joining today's webinar.

State Purchasing Division

Department of Administrative Services



Questions?

06-2012

